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APPLICATION NO	. F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,138	09/779,138 02/08/2001		Toshiyuki Nakao	116692000300	1451
25227	7590	01/18/2006		EXAMINER	
· · · · · · · · · · · · · · · · · · ·		ERSTER LLP	GURSHMAN, GRIGORY		
SUITE 300	ONS BOUL	EVARD		ART UNIT	PAPER NUMBER
MCLEAN,	VA 2210	2	2132		

DATE MAILED: 01/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.	Applicant(s)		
09/779,138	NAKAO ET AL.		
Examiner	Art Unit		
Grigory Gurshman	2132		

D. C. C. Elli C. A. al Duiaf							
Before the Filing of an Appeal Brief	Examiner	Art Unit					
	Grigory Gurshman	2132					
The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence add	ress				
THE REPLY FILED 09 January 2006 FAILS TO PLACE THIS	APPLICATION IN CONDITION FO	R ALLOWANCE.					
 The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires 3 months from the mailing date of the final rejection. 							
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).							
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL							
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS							
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);							
(b) They raise the issue of new matter (see NOTE below); (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for							
appeal; and/or (d) ☐ They present additional claims without canceling a	corresponding number of finally re	elected claims					
NOTE: (See 37 CFR 1.116 and 41.33(a))		Jootod Glairrio.					
4. Applicant's reply has overcome the following rejection(s):							
6. Newly proposed or amended claim(s) would be a the non-allowable claim(s).	allowable if submitted in a separate						
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proof The status of the claim(s) is (or will be) as follows: Claim(s) allowed:		vill be entered and an	explanation of .				
Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: <u>1-21</u> . Claim(s) withdrawn from consideration:							
AFFIDAVIT OR OTHER EVIDENCE							
8. The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good an and was not earlier presented. See 37 CFR 1.116(e).	out before or on the date of filing a land sufficient reasons why the affidation	Notice of Appeal will <u>i</u> vit or other evidence	<u>not</u> be entered is necessary				
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).							
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER REQUEST FOR RECONSIDERATION/OTHER							
 11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see reasons below. 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) 							
13. Other:							
	GILBERTO BAF SUPERVISORY PATENT						

TECHNOLOGY CENTER 2100

Continuation Sheet (PTOL-303)

Application No.

Applicant's amendment reflects cancellation of claims 1, 7-14, 16, 17, 19 and 21. Claims 1, 7-14, 16, 17, 19 and 21 have been cancelled. Claim 3 has been amended in independent form, including all limitations of base claim 1. Claim 15 has been amended in independent form, including all limitations of base claim 14. Claims 2 and 4-6 have been amended to change their dependence from claims 1 to claim 3. Claims 18 and 20 have been amended to include limitations corresponding to those present in claims 3 and 15. Applicant's amendments will not be entered because they raise new issue requring further search and consideration. Applicant's amendmenst would alter the dependent claims 2, and 4-6.

Applicant's arguments have been thoroughly considered, but are found mute in view of the fact that the arguments are based on the amendment of the claims, which has not been entered.